

Message Text

CONFIDENTIAL

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ACTION SS-25

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 4486

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C O N F L I D E N T I A L SAN JOSE 2427

EXDIS

E. O. 11652: GDS

TAGS: PGOV, PFOR, CS

SUBJECT: EXTRADITION: ROBERT VESCO

1. FIRST PENAL JUDGE HAS NOT YET ACTED ON MY APPEAL PRESENTED JUNE 27. JUDGE INDICATED INFORMALLY TO ODIO THAT HE IS GIVING SERIOUS CONSIDERATION TO OUR PRESENTATION AND WILL PROBABLY RULE ON IT FRIDAY OR-- MORE LIKELY-- ON MONDAY. ODIO HAS IMPRESSION THAT JUDGE MAY EVEN DECIDE TO REVOKE HIS PREVIOUS DECISION (SAN JOSE 2245) RATHER THAN REFER THE APPEAL TO SEGUNDA SALA. SUCH A STEP-- WHICH MUST STILL BE CONSIDERED UNLIKELY-- WOULD REOPEN THE CASE PENDING RECEIPT OF OUR FULL DOCUMENTATION FROM THE U. S.

2. ODIO ALSO REPORTS THAT VESCO'S LAWYERS ARE SCURRYING AROUND NERVOUSLY TO TALK WITH JUDGES OF LOWER AND APPEALS COURTS. HE SENSES THAT THEY ARE AT LEAST A LITTLE WORRIED ABOUT THE STATE OF PLAY. SINCE HE HAS HEARD THAT ONE POINT THEY OR COURT MIGHT CHALLENGE IS THAT MY ORIGINAL NOTE REQUESTING VESCO'S EXTRADITION (#84 OF JUNE 7, 1973) WAS RECEIVED BY THE COURT ONLY IN ENGLISH, I AM PREPARING AN INFORMAL TRANSLATION INTO SPANISH WHICH I WILL PRESENT TO THE FIRST PENAL JUDGE TOMORROW.

3. IF JUDGE DECIDES TO REFER THE CASE TO SEGUNDA SALA ON APPEAL, WE (AND VESCO) WILL HAVE 5 DAYS IN WHICH TO PRESENT ADDITIONAL ARGUMENTS. DURING THAT PERIOD, WE
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PLAN TO SUBMIT ENGLISH AND SPANISH TEXTS OF OUR NOTE #85 OF JUNE 12 WHICH INFORMED GOCR OF REVOCATION OF VESCO' S PASSPORT IN ORDER TO DRAMATIZE THE FACT THAT VESCO' S USE OF A COSTA RICAN PROVISIONAL PASSPORT-- BASED ON HIS LEGAL RESIDENCE IN THIS COUNTRY-- MAKES HIS RETURN HERE POSSIBLE AT ANY TIME.

4. AFTER THIS 5 DAY PERIOD, SEGUNDA SALA WOULD HAVE 8 DAYS IN WHICH TO DECIDE THE CASE.

5. A SPECIAL PROBLEM ARISES FROM FACT THAT I WILL LEAVE ON JULY 7 FOR THREE- WEEK VISIT TO U. S.. ON FRIDAY I WILL PRESENT A NOTE TO FACIO INFORMING GOCR OF THIS FACT AND THAT DCM WILL BECOME CHARGE. IN SAME NOTE I WILL ASK THAT THE COURT BE INFORMED FOR PURPOSES OF THE VESCO PROCEEDINGS.

6. ODIO HAS SUGGESTED THAT IN ANY CASE I MIGHT GRANT HIM A POWER OF ATTORNEY TO ACT ON BEHALF OF U. S. GOVT IN THIS CASE. THIS WOULD BE DONE AT THE COURT PRIOR TO MY DEPARTURE AND WOULD THEREBY AVOID ANY PROBABILITY THAT VESCO' S LAWYERS MIGHT ARGUE THAT NO ONE ELSE COULD ACT LEGALLY IN THIS MATTER DURING MY ABSENCE. ANOTHER POSSIBILITY WOULD BE FOR ME TO GRANT POWER OF ATTORNEY TO THE DCM. I PLAN TO DISCUSS THE LEGAL NEED FOR SUCH A POWER OF ATTORNEY WITH FACIO DURING A SCHEDULED APPOINTMENT FRIDAY MORNING. IF HE DOES NOT CONSIDER SUCH ACTION NECESSARY, I WILL STAND ON MY NOTE (PARA 5 ABOVE) AND NOT GRANT A POWER OF ATTORNEY.

7. WE HAVE ASKED ODIO TO GIVE US A BILL FOR HIS SERVICES THUS FAR. HE INDICATED THAT HE NORMALLY CHARGES \$70 PER HOUR FOR TIME ACTUALLY SPENT ON A CASE AND/ OR A SPECIAL RATE FOR PARTICULARLY SENSITIVE OR COMPLEX CASES. I ASSUME OUR CASE FALLS IN LATTER CATEGORY. ODIO PROMISED TO CONSIDER THE MATTER AND LET US KNOW EARLY NEXT WEEK.
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*** Current Classification *** CONFIDENTIAL

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